

EXHIBIT G

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,)
Plaintiff,)
vs.) No. CV 10-03561 WHA
GOOGLE, INC.,)
Defendant.)
_____)

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VIDEOTAPED DEPOSITION OF JOHN ROSE
WEDNESDAY, FEBRUARY 15, 2012

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1 A. I'm referring precisely to the e-mails in my
2 sent box from my mailer that I sent to counsel and to
3 the rest of the team doing this particular exercise
4 during the dates of the exercise, which were
5 approximately a week and a half.

6 Q. Do you know whether those e-mails are
7 included in the folders that Mr. Norton brought with
8 him?

9 A. I would not be surprised to find them there,
10 but I don't know whether they are in there.

11 Q. Did any of those e-mails refresh your
12 recollection about the topics about your work that you
13 conducted in this case?

14 MR. NORTON: Objection to form. You can
15 answer.

16 THE WITNESS: There was nothing surprising in
17 the e-mails. I looked to see if there was anything
18 that I was missing in my memory, and there was
19 nothing. So I was confident that we had properly
20 disclosed to counsel all the pieces of our process.

21 BY MR. MULLEN:

22 Q. Okay. Mr. Rose, you are currently employed
23 by Oracle; correct?

24 A. Yes.

25 Q. And how long have you been with Oracle for?

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1 A. Since the acquisition of Sun Microsystems.

2 Q. Was that around 2009?

3 A. I believe so.

4 Q. And what is your title at Oracle?

5 A. Consulting engineer.

6 Q. Do you have a specific field of expertise?

7 A. Yes.

8 Q. What is that?

9 A. Java Virtual Machine design, Java language
10 design, JIT compiler design.

11 Q. Okay. And so you were formerly at Sun; is
12 that right?

13 A. That's right.

14 Q. And when I say Sun, you understand that means
15 Sun Microsystems?

16 A. Yes.

17 Q. And how long were you at Sun for?

18 A. 20 -- 23 years, I think. One loses count.

19 Q. Understood.

20 And what was your title at the time of the
21 Sun/Oracle acquisition?

22 A. What did they call me? I think it was
23 principal engineer. The titles are different.

24 Q. If you could, briefly describe your
25 educational background.

1 request.

2 A. Tuesday. It was -- it was our main -- it was
3 our main item of business that Tuesday.

4 Q. Do you recall how long the meeting lasted in
5 terms of hours?

6 A. Probably about eight hours.

7 Q. Was counsel present the full time?

8 A. The full workday, and they were present for
9 the entire time.

10 Q. But other than what you just described to me
11 and setting aside legal advice from counsel, there was
12 nothing else that counsel said at the meeting?

13 A. Not that I recall.

14 Q. I won't ask you about the substance of any
15 legal advice counsel provided, but did counsel provide
16 legal advice?

17 MR. NORTON: You can answer that with a yes
18 or no, if you remember.

19 THE WITNESS: I believe they did. So, yeah.
20 That would be a yes.

21 BY MR. MULLEN:

22 Q. So, Mr. Rose, was the first step that you and
23 the team took in the project identifying these 22
24 technology blocks that you've referenced?

25 A. Yes.

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1 Q. And how did you go about deciding what 22
2 technology blocks should be included?

3 A. There were several -- several people present
4 with different areas of expertise, and so we all said
5 here's what we think such a device would be made up
6 of. It was -- it was a fairly straightforward
7 exercise because each of us in the room had
8 participated for years in building similar systems.
9 So we all looked back in our own experience to what --
10 how those systems are built up, and we attempted to
11 build, in our brainstorming, a common model so that we
12 would have a common set of -- of terms to do our
13 collaborative work with.

14 Q. When --

15 MR. NORTON: Were you finished with your
16 answer?

17 THE WITNESS: Restate the question so I can
18 make sure I answered it fully, please.

19 (Record read by the reporter.)

20 THE WITNESS: Yes.

21 Primarily our individual experience as
22 engineers, which then we consensually worked into a
23 set of terms that we would agree to use for the
24 purpose of the exercise, and that relates to -- well,
25 all of our experience. We also looked at the PRD

1 document, which had been supplied to us, as a good
2 representation of the technical matters between Sun
3 and Google in their negotiations. And we looked at
4 that and we said, "Okay, does this match up with our
5 understanding of how such devices are built?" Which,
6 of course, it did, because we were all VM builders,
7 and two of us were mobile device builders. But we
8 used that as a cross-check to make sure we were
9 getting the right modules in place.

10 Q. You said "two of us were mobile device
11 builders"?

12 A. That's right.

13 Q. Who were those two?

14 A. Hinkmond and Chris. They have specific
15 extensive experience in building such systems.

16 Q. I'm sorry, were you...

17 A. Yes, I'm done.

18 Q. Do you have any experience in building mobile
19 device systems?

20 A. Indirectly. I have general experience in
21 building all sorts of Java Virtual Machines, and that
22 technology which I contributed to is often used for
23 such purposes, as far as I know, although I am not on
24 the teams that apply it to that application.

25 Q. So is it fair to say that you've never

1 BY MR. MULLEN:

2 Q. When you say, again about halfway down the
3 page, that you went to find out about Android and
4 specifically their Java story, what did you mean by
5 "their Java story"?

6 A. At that point they were saying, "We have this
7 exciting platform which let's you program in Java
8 on -- for a mobile device; and we've got this cool
9 technology," and so I went to go see how it worked.

10 Q. And this post accurately describes what you
11 learned at the Google I/O?

12 A. Yes. It's my best effort to do so.

13 Q. As of that date, May 31, 2008, did you have
14 an understanding of what technologies would be
15 important to Android?

16 A. A much better understanding after going to
17 Google I/O, yes.

18 Q. Did that understanding affect your analysis
19 in any way in the work that you did with Dr. Reinhold?

20 A. No.

21 Q. Not at all?

22 A. No. Because we were instructed to think as
23 of 2006, so that's what we did. We had plenty to work
24 on with our own patent portfolio without worrying too
25 much about what happened after 2006.

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1 read a patent and evaluate its nature without
2 attempting to implement it. That's typical of senior
3 engineers, that they can make reasonably trustworthy
4 evaluations of proposals like that.

5 BY MR. MULLEN:

6 Q. Did you ever look at past licensing practices
7 with respect to any of the patents?

8 A. Licensing? No. I don't think so. If I
9 understand the question, you mean -- can you rephrase?

10 Q. Did you ever look at whether Sun or Oracle
11 had ever licensed the patent in the past?

12 A. I'm completely ignorant of that. I produce
13 and evaluate patents, but I do not apply them to
14 licensees.

15 Q. Did you ever look at whether Sun or Oracle
16 had ever practiced the patent in the past?

17 MR. NORTON: Objection to form.

18 THE WITNESS: When you say "the patent," what
19 do you mean?

20 BY MR. MULLEN:

21 Q. Any of the patents that you reviewed, as a
22 team or personally.

23 A. Since some of the patents were mine, I was
24 quite well aware of which ones -- which of those had
25 been practiced. So some of them, yes, I was familiar

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1 with the patent already.

2 Q. By "mine," do you mean you were the named
3 inventor of the patent?

4 A. Yeah.

5 Q. Before beginning this exercise, did you have
6 familiarity with some of the patents?

7 A. Yes.

8 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16 Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

22 Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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1 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12 [REDACTED]

[REDACTED]

[REDACTED]

15 BY MR. MULLEN:

16 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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1

[REDACTED]

9

[REDACTED]

[illegible]

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1 I declare under penalty of perjury
2 under the laws of the State of California
3 that the foregoing is true and correct.

4 Executed on _____, 2012,
5 at _____, _____.

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9 _____
10 SIGNATURE OF THE WITNESS
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1 STATE OF CALIFORNIA) ss:

2
3 I, SANDRA LEE HOCKIN, C.S.R. No. 7372, do hereby
4 certify:

5 That the foregoing deposition testimony was
6 taken before me at the time and place therein set
7 forth and at which time the witness was administered
8 the oath;

9 That the testimony of the witness and all
10 objections made by counsel at the time of the
11 examination were recorded stenographically by me,
12 and were thereafter transcribed under my direction
13 and supervision, and that the foregoing pages
14 contain a full, true and accurate record of all
15 proceedings and testimony to the best of my skill
16 and ability.

17 I further certify that I am neither counsel for
18 any party to said action, nor am I related to any
19 party to said action, nor am I in any way interested
20 in the outcome thereof.

21 IN WITNESS WHEREOF, I have subscribed my name
22 this 16th day of February, 2012.

23
24
25

SANDRA LEE HOCKIN, C.S.R. No. 7372